

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the December 8, 2007
Mayweather/Hatton Program

Plaintiff,

v.

JOHN E. BADASARIAN and JOHNNY
BAD'S SPORTS BAR & GRILLE, LLC

Defendants,

CIVIL ACTION NO.: 1:08-cv-137-JM

Approved and adopted as a pretrial
scheduling order. Trial 4/21/09

James R. Muirhead
James R. Muirhead
U.S. Magistrate Judge
Date: 6/17/08

PROPOSED DISCOVERY PLAN

Fed. R. Civ. P. 26(f)

DATE/PLACE OF CONFERENCE: Pretrial Conference set for June 9, 2008. Counsel for the parties conferred by phone on June 2, 2008.

COUNSEL PRESENT/REPRESENTING:

Julie Cohen Lonstein, Esquire for the Plaintiff

Michael J. Sheehan, Esquire, Local Counsel for Plaintiff

Roy Tilsley, Esquire for the Defendants

CASE SUMMARY

THEORY OF LIABILITY:

Plaintiff, as Broadcast Licensee of the December 8, 2007, Mayweather/Hatton Program, alleges that defendants, without purchasing the right to intercept and exhibit the program within their commercial establishment, unlawfully intercepted, received and/or de-scrambled the satellite signal for that program and showed the program to its patrons or others for its commercial advantage. Plaintiff claims liability pursuant to 47 U.S.C. §553 et seq. and/or 47 U.S.C. §605 et seq. which prohibit the unauthorized interception and use of such broadcasts.

THEORY OF DEFENSE: General denial of liability. The Plaintiff lacks standing to bring a claim under 47 U.S.C. §553 dealing with unauthorized reception of cable service. The Plaintiff lacks standing to bring a claim under 47 U.S.C. §605 as it is not a person aggrieved as defined under the statute.

DAMAGES:

DEMAND: \$10,000.00

OFFER: \$1,500.00

COUNTER DEMAND: \$7,500.00

JURISDICTIONAL QUESTIONS: None known.

QUESTIONS OF LAW: Did the Plaintiff have proprietary rights in any intercepted communication such that it is a person aggrieved entitled to civil remedies under 47 U.S.C. §605. The parties reserve the right to raise additional questions of law as are necessary.

TYPE OF TRIAL: Issues to Court.

DISCOVERY

TRACK ASSIGNMENT: Standard 12-months

DISCOVERY NEEDED: Witness interviews, depositions, interrogatories, requests for production, and requests for admission on issues relating to liability and damages

MANDATORY DISCLOSURES (Fed.R.Civ.P.26(a)(1)): Plaintiff has served and Defendants will exchange by July 3, 2008.

COMPLETION OF DISCOVERY: October 1, 2008

INTERROGATORIES: A maximum of 20 interrogatories by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed.R.Civ.P.29.

REQUESTS FOR ADMISSIONS: A maximum of 25 requests for admissions by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed.R.Civ.P.29.

DEPOSITIONS: A maximum of 4 depositions by plaintiff and 4 by defendant. Each deposition limited to a maximum of 2 hours unless extended by agreement of parties.

DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:

Plaintiff: August 1, 2008

Defendant: September 1, 2008

Supplementations under Rule 26(e) due within 15 days of receipt of material.

Advise the court whether the parties have stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2). N/A

CHALLENGES TO EXPERT TESTIMONY [*no later than 45 days prior to trial*]:
September 15, 2008

OTHER ITEMS:

JOINDER OF ADDITIONAL PARTIES:

Plaintiff: September 5, 2008

Defendant: September 4, 2008

THIRD PARTY ACTIONS: N/A

AMENDMENT OF PLEADINGS:

Plaintiff: September 15, 2008

Defendant: September 15, 2008

DISPOSITIVE MOTIONS:

To Dismiss [*no later than 90 days after preliminary pretrial*]: September 1, 2008

For Summary Judgment [*no later than 120 days prior to trial date according to track*]:
December 1, 2008

SETTLEMENT POSSIBILITIES: Ongoing.

JOINT STATEMENT RE MEDIATION: *The parties shall indicate a date by which mediation, if any, will occur.* October 1, 2008

WITNESS AND EXHIBITS: To be disclosed in accordance with Federal and Local Rules of Procedure.

TRIAL ESTIMATE: 1 day

TRIAL DATE: April, 2009

PRELIMINARY PRETRIAL CONFERENCE: The parties request a telephonic preliminary pretrial conference with the court before entry of the scheduling order.

OTHER MATTERS: None.

Respectfully submitted,

J&J SPORTS PRODUCTIONS, INC.
By their attorneys,
LONSTEIN LAW OFFICE, P.C.

Dated: June 3, 2008

/s/ Julie Cohen Lonstein.

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/s/ Michael J. Sheehan

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JOHN E. BADASARIAN and JOHNNY
BAD'S SPORTS BAR & GRILLE, LLC
By their attorneys,
BERNSTEIN, SHUR, SAWYER &
NELSON

Dated: June 3, 2008

/s/ Roy W. Tilsley, Jr.

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